

# REASONABLE ACCOMMODATION FAQs

## What is a Reasonable Accommodation?

Under the California Fair Employment and Housing Act (“FEHA”) and the Federal Americans with Disabilities Act (“ADA”), reasonable accommodations refer to changes or adjustments in the workplace that allow a qualified individual with a disability to perform the essential functions of their job. These accommodations help ensure equal employment opportunities without imposing an undue hardship on the employer. Employers are required to provide reasonable accommodations unless doing so would cause significant difficulty or expense (undue hardship). Employees should communicate their needs with their employer to explore possible solutions.

## What is an Essential Function?

An essential function means the fundamental job duties necessary to the position. It is a task that is critical to the role, not just a marginal or incidental responsibility.

Key Factors in Determining Essential Functions:

- The job exists primarily to perform this function.
- A limited number of employees are available to perform the function.
- The function requires specialized skills or expertise.
- The employer’s judgment and written job descriptions support its essential nature.

Employers are not required to remove essential functions as part of a reasonable accommodation but must explore modifications or support that enable qualified individuals with disabilities to perform them.

## What is a Functional Limitation?

A functional limitation refers to a restriction or impairment in a person’s ability to perform certain activities due to a physical or mental disability. These limitations affect major life activities, including work-related tasks.

Key Aspects of Functional Limitations:

- May involve mobility, communication, cognition, sensory perception, or other physical or mental functions.
- Must substantially limit one or more major life activities, such as walking, speaking, seeing, hearing, learning, or working.
- The degree of limitation varies based on the individual’s condition and job requirements.

When requesting reasonable accommodation, employees should describe how their functional limitations impact their ability to perform essential job functions, allowing employers to determine appropriate support or adjustments. Determining whether a limitation in performing essential functions exists due to a physical or mental disability is the first step in establishing whether an individual is entitled to a reasonable accommodation.

### **How is Disability Defined?**

A disability is defined as a physical or mental impairment that substantially limits one or more major life activities. FEHA provides broader protections than the ADA by covering conditions that merely "limit" a major life activity rather than requiring a "substantial" limitation.

#### **Types of Disabilities Covered:**

1. **Physical Disabilities** – Conditions affecting the body, such as mobility impairments, chronic illnesses, neurological conditions, or sensory impairments (e.g., blindness, deafness).
2. **Mental Disabilities** – Conditions affecting mental health or cognitive function, such as depression, anxiety, PTSD, or learning disabilities.
3. **Medical Conditions** – Serious health conditions, such as cancer or genetic disorders, that may require accommodations.

Both laws protect individuals with a history of a disability, those perceived to have a disability, and individuals associated with a person with a disability (e.g., a caregiver). Employers must provide reasonable accommodations unless doing so would create an undue hardship.

### **What is a Major Life Activity?**

A major life activity includes basic tasks that are essential to daily living and working. These activities can be physical, cognitive, or social. Primary attention is given to those life activities that affect employability, or otherwise present a barrier to employment or advancement.

#### **Examples of Major Life Activities:**

- **Physical Activities:** Walking, standing, lifting, bending, speaking, breathing, eating, sleeping.
- **Cognitive & Sensory Functions:** Seeing, hearing, learning, reading, concentrating, thinking, communicating.
- **Bodily Functions:** Immune system function, normal cell growth, digestive, neurological, respiratory, circulatory, and reproductive functions.

FEHA has a broader definition than the ADA, covering conditions that "limit" rather than "substantially limit" a major life activity, making it easier for individuals to qualify for protections in California.

### **What is an Undue Hardship?**

An undue hardship refers to a significant difficulty or expense an employer would face in providing a reasonable accommodation – this is a very high standard for employers to reach. This determination is made on a case-by-case basis, considering the employer's resources and the nature of the accommodation.

#### **Factors in Determining Undue Hardship:**

- **Financial Impact** – The cost of the accommodation relative to the employer's size and budget.
- **Business Disruption** – Whether the accommodation would interfere with operations or productivity.
- **Nature of the Accommodation** – The complexity, feasibility, and effectiveness of the requested adjustment.

- Workforce Size & Structure – Whether the employer has the staff or capacity to implement the accommodation.

Employers must explore all reasonable options before claiming undue hardship and, if possible, offer alternative accommodations that meet both business and employee needs.

### **How does Reasonable Accommodation Work?**

Under both the California Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act (ADA), employers are required to provide reasonable accommodations to qualified individuals with disabilities to help them perform essential job functions, unless doing so would cause an undue hardship.

#### **1. Employee Request for Accommodation**

- The process begins when an employee requests an accommodation.
- A request for reasonable accommodation is a statement that an employee needs a work-related adjustment or change for a reason related to a mental or physical disability.
- A request may be made orally or in writing by the employee or by someone on their behalf.
- Requests for accommodation will be responded to in a prompt, fair and efficient manner.
- An employer may also initiate the process if they recognize a need for accommodation based on an employee's known disability.

#### **2. The Interactive Process**

- Employers must engage in a good-faith discussion with the employee to identify potential accommodations.
- This may involve gathering medical documentation (if the disability is not obvious) to understand the functional limitations.
- The goal is to find an effective accommodation that enables the employee to perform their essential job duties.

#### **3. Identifying a Reasonable Accommodation**

Medical care professionals provide restrictions and the employer must work to identify the accommodation.

Possible accommodations may include:

- Modification of existing facilities
- Restructuring the job
- Adjusting work schedules or allowing remote work
- Providing assistive technology or equipment
- Modifying job duties or workspaces
- Offering sign language interpreters or readers
- Allowing service animals in the workplace
- Providing additional training or guidance
- Leave of absence
- Reassignment

#### **4. Employer Evaluation of Undue Hardship**

- Employers must determine whether the requested accommodation is reasonable or if it would impose a significant difficulty or expense.
- If an accommodation is deemed an undue hardship, employers must explore alternative solutions.

#### 5. Implementation and Follow-Up

- Once an accommodation is agreed upon, the employer should implement it in a timely manner.
- Periodic reviews may be necessary to ensure the accommodation remains effective.

Employers are required by law to provide accommodations unless they can prove undue hardship. Employees who believe their rights have been violated can file a complaint with the California Civil Rights Department (CRD) under FEHA or the Equal Employment Opportunity Commission (EEOC) under the ADA.

### What is the Interactive Process?

The interactive process is a collaborative, good-faith dialogue between an employer and an employee (or job applicant) to determine a reasonable accommodation for a disability. This process is legally required when an accommodation request is made or when an employer becomes aware of a potential need for accommodation. Failure to engage in the interactive process can result in legal consequences under FEHA and ADA, even if a reasonable accommodation was ultimately available.

#### Key Steps in the Interactive Process:

1. Recognizing the Need for Accommodation
  - The employee requests an accommodation (verbally or in writing).
  - The employer recognizes the need based on medical documentation or observable limitations.
2. Gathering Information
  - The employer may request relevant medical documentation to understand the employee's functional limitations (if the disability is not obvious).
  - The discussion focuses on the essential job functions and how the disability impacts work performance.
3. Exploring Possible Accommodations
  - Both parties work together to identify reasonable accommodations.
  - Employers must consider but are not obligated to provide the employee's preferred accommodation if an alternative is effective.
4. Implementing the Accommodation
  - The agreed-upon accommodation should be put in place promptly and communicated clearly to the employee.
5. Ongoing Review and Adjustments
  - The accommodation should be monitored to ensure it remains effective.
  - If the employee's condition or job duties change, the interactive process may need to be revisited.

#### Employer Obligations:

- Must respond promptly and engage in a meaningful discussion.
- Cannot automatically deny accommodation requests without considering alternatives.
- Must document the process and decisions made.
- Required to continue the process until a reasonable accommodation is found or undue hardship is established.

### **Medical Restriction vs. Workplace Accommodation**

Under the California Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act (ADA), the terms restriction and accommodation are related but distinct:

- A restriction is what an employee cannot do due to a medical condition.

An accommodation is how an employer modifies the work environment to enable the employee to work within their restrictions. Employers must engage in an interactive process with employees to determine effective accommodations that align with medical restrictions while maintaining job performance standards.

#### **1. Restriction (Medical Limitation)**

A restriction refers to a medical limitation that affects an individual's ability to perform certain tasks or job functions. Restrictions are typically provided by a healthcare provider and define what an employee cannot do due to a disability or medical condition.

Examples of Restrictions:

- No lifting more than 20 pounds
- Must avoid prolonged standing or sitting
- Cannot work in environments with loud noise exposure
- Limited ability to perform repetitive motions
- Requires frequent rest breaks due to a medical condition

#### **2. Accommodation (Workplace Adjustment)**

A reasonable accommodation is an adjustment or modification to the job, work environment, or employment policies that allows an employee to perform essential job functions despite their restrictions. Accommodations are solutions designed to help an employee work within their restrictions.

Examples of Accommodations:

- Providing a height-adjustable workstation for an employee who cannot sit or stand for long periods
- Allowing a flexible work schedule for an employee with a chronic illness
- Providing assistive technology for an employee with a visual or hearing impairment
- Modifying job duties to avoid tasks that conflict with medical restrictions
- Allowing remote work if in-person duties conflict with a disability-related restriction